



## BOARD OF ZONING APPEALS

### MINUTES

December 20, 2018

The City of Knoxville **Board of Zoning Appeals** considered the following petitions for variance of requirements of the Knoxville City Code, Appendix B, Zoning Regulations at their December 20, 2018, meeting at 4:00 pm in the Small Assembly Room, City County Building, 400 Main St, Knoxville, TN.

*This meeting and all communications between the Board members is subject to the provisions of the Tennessee Open Meetings Act, Tenn. Code. Ann. § 9-44-101, et seq.*

### CALL TO ORDER

Board Chairman Kristin Grove was not present. Member David Dupree made a motion to nominate Member Don Horton as Interim Chair. It was seconded by Member Charlie Van Beke. The Board voted 4-0 in favor and Member Don Horton called the meeting to order at 4:02p.m.

### ROLL CALL

Board members present were Daniel Odle, Charlie Van Beke, David Dupree, Don Horton.

Others in attendance were Peter Ahrens, Building Official; Scott Elder, Zoning Chief; Christina Magrans, Staff Attorney; Joshua Frerichs, Stormwater Engineering, Amy Brooks MPC Planning Services Manager and Juliana LeClair, Board Secretary.

### MINUTES

Member Charlie Van Beke made a motion to approve the November 15, 2018 Minutes. It was seconded by Member Daniel Odle. The Board voted 4-0 to **APPROVE**.

### OLD BUSINESS

**File:** 11-G-18-VA  
**Applicant:** NLA Kingston, LLC  
**Address:** 7621 Kingston Pike

**Parcel ID:** 120GB01101  
2<sup>nd</sup> Council District

**Zoning:** C-3 (General Commercial) District

**Variance Request:**

- 1) Increase maximum height of secondary detached sign from 8' to 62' (Article 8, Section 11.6.b.3)
- 2) Increase maximum sign area of a secondary detached sign from 32 sq. ft. to 200 sq. ft. (Article 8, Section 11.6.b.3)
- 3) Decrease the minimum setback of a detached sign from 10' to 0.2' (Article 8, Section 7.1.b)

As per plan submitted for property signage in the C-3 (General Commercial) District.

Applicant representative Arthur Seymour was present and requested postponement to the January 17, 2019 meeting. Member Charlie Van Beke made a motion to postpone. It was seconded by Member Daniel Odle. The Board voted 4-0 to **POSTPONE**.

**NEW BUSINESS**

**File:** 12-A-18-VA  
**Applicant:** Chris Turpen  
**Address:** 5100 N. Broadway St.  
**Zoning:** C-3 (General Commercial) District

**Parcel ID:** 058EH016  
4<sup>th</sup> Council District

**Variance Request:**

- 1) Reduce the required front yard setback for a detached structure on Hillcrest Dr. from 25' to 20'7" (Article 4, Section 2.2.6.E.1)
- 2) Reduce the required front yard setback for a detached structure on N. Broadway from 25' to 16'8" (Article 4, Section 2.2.6.E.1)

As per plan submitted to construct two new Chick-Fil-A drive-thru canopies in the C-3 (General Commercial) District.

Scott Elder advised a letter of opposition had been received from a Neighborhood Association.

Applicant representative Daniel Hines was present and advised the goal of the canopies was to provide team member safety and satisfy the OSHA initiatives for water, rest and shade. The applicant advised that the canopy coverings would extend into the setbacks however the columns would not extend into the setbacks.

Member Daniel Odle asked if there were any variances when the drive-thru was built. Scott Elder advised he was not aware of any variances. Peter Ahrens advised the drive-thru was built prior to the current parking ordinance which has buffer zones and that was why the vehicular use area was so close to the property line. Member Charlie Van Beke made a note

that the canopies would help facilitate traffic movement and alleviate problems with cars backing out onto Broadway or the side street. The Applicant advised customer service moves faster with team members outside. Applicant representative Greg Harb was present and advised of an average of 120 cars per hour prior to team members being outside, increased to 170/180 cars per hour with team members outside taking orders with tablets.

Member David Dupree asked for a confirmation of hardship. The Applicant spoke to the OSHA "Heat Initiative" requiring employers to provide water, rest and shade for employees working outside.

Member Daniel Odle made a motion to approve due to the existing location of the driveway which was built correctly under the current code at the time.

Member Don Horton asked about canopy lighting. The Applicant advised the lighting would be internal, underneath the canopies and would be set on timers to turn off after hours.

Member Daniel Odle resubmitted the motion. It was seconded by Member Charlie Van Beke. The Board voted 4-0 to **APPROVE**.

**File:** 12-B-18-VA  
**Applicant:** Hatcher Hill Properties, LLC.  
**Address:** 1731 Western Ave.  
**Zoning:** C-3 (General Commercial) District

**Parcel ID:** 094KB013  
6<sup>th</sup> Council District

**Variance Request:**

1) Reduce parking requirements for office/retail space from 40 spaces to 23 spaces (Article 5, Section 7.D.1, Table 1)

As per plan submitted to renovate vacant building in the C-3 (General Commercial) District.

Scott Elder advised the property was an old building that had been vacant for years.

Applicant Tim Hill was present and advised of several limiting conditions on the property including a TDOT restricted access requirement.

Member David Dupree made a motion to approve. It was seconded by Member Don Horton. The Board voted 4-0 to **APPROVE**.

**File:** 12-C-18-VA  
**Applicant:** Chris Sharp  
**Address:** 5911 Weisbrook Lane

**Parcel ID:** 106DA00403/106DA00624  
3<sup>rd</sup> Council District

**Zoning:** I-3 (General Industrial) and C-6 (General Commercial Park) Districts

**Variance Request:**

- 1) Reduce the minimum depth of the setback of the parking lot, measured from the edge of the parking lot to the right-of-way, from 6 ft to 0 ft between the center and eastern driveway (Article V, Section 7.C.3)
- 2) Reduce the minimum depth of the perimeter screening area, measured from the edge of the parking lot to the right-of-way, from 6 ft to 0 ft between the center and eastern driveway (Article V, Section 7.J.2.c.2)
- 3) Increase the maximum number of driveways from 2 to 3 (Article V, Section 7.H.1.a)
- 4) Increase the maximum driveway width from 40 ft to 57 ft for the eastern-most driveway (Article V, Section 7.H.3.c, Table 7)
- 5) Increase the maximum driveway width from 40 ft to 49 ft for the center driveway (Article V, Section 7.H.3.c, Table 7)
- 6) Decrease the minimum driveway width from 20 ft to 15 ft for the western-most driveway (Article V, Section 7.H.3.c, Table 7)

As per plan submitted to expand building for a postal distribution center in the I-3 (General Industrial) and C-6 (General Commercial Park) Districts.

Applicant Chris Sharp was present and advised of an increase in distribution truck traffic and a large embankment behind the building which would limit the truck movement onsite creating a need for additional width on the three driveways. Applicant advised of a two to one slope to one side of the property and an expansion that would include a third loading dock. Member Don Horton confirmed that a retaining wall would be built.

Scott Elder advised the plans had been reviewed and there was not a setback issue with the project.

Member Charlie Van Beke made a motion to approve. It was seconded by Member Daniel Odle. The Board voted 4-0 to **APPROVE**.

<b>File:</b>	<b>12-E-18-VA</b>	<b>Parcel ID:</b> 081NC019
<b>Applicant:</b>	Brackins Property/Jarrett Benson	5 <sup>th</sup> Council District
<b>Address:</b>	1531 N. Central	
<b>Zoning:</b>	C-3 (General Commercial / H-1 (Historical Overlay) Districts	

**Variance Request:**

- 1) Reduce the minimum number of required parking spaces from 11 spaces to 0 (Article 5, Section 7.D.1, Table 1)

As per site plan to renovate a building into a barbershop in the C-3 (General Commercial / H-1 (Historical Overlay) Districts.

Scott Elder advised the building was being redeveloped with a change of occupancy which created the need to address parking.

Applicant Jay Benson was present and advised of a zero lot line with nowhere to put parking for a new Barbershop in the building.

Member Charlie Van Beke made a motion to approve. It was seconded by Member David Dupree. The Board voted 4-0 to **APPROVE**.

**File:** 12-F-18-VA  
**Applicant:** Long Sisters, LLC/Chris Bush  
**Address:** 2806 Painter Ave.  
**Zoning:** R-2 (General Residential) District

**Parcel ID:** 108BE014  
2<sup>nd</sup> Council District

**Variance Request:**

1) Reduce minimum lot size required for duplex from 9,000 sq.ft. to 7,870 sq.ft (Article 4, Section 2.1.6.D.5.b)

As per plan submitted to build a two-unit condo building in the R-2 (General Residential) District.

Scott Elder advised of a prior request to postpone. Member David Dupree made a motion to postpone to the January 17, 2019 meeting. It was seconded by Member Daniel Odle. The Board voted 4-0 to **POSTPONE**.

**File:** 12-G-18-VA  
**Applicant:** Land Development Solutions  
**Address:** 501 Nineteenth St.  
**Zoning:** O-1 (Office, Medical and Related Services) District

**Parcel ID:** 094NK00401  
1<sup>st</sup> Council District

**Variance Request:**

1) Reduce the minimum required front yard setback on Laurel Avenue from 25 ft. to 0 ft. (Article 4, Section 2.2.1.D.1)  
2) Reduce the minimum required East side yard setback from 15ft. to 0ft. (Article 4, Section 2.2.1.D.2)

As per plan submitted to construct an overhead connector between the Laurel Plaza Building and the Center for Advance Medicine in the O-1 (Office, Medical and Related Services) District.

Member Don Horton advised of three requests for the same structure to be heard as one but voted on separately to include 12-G-18-VA, 12-H-18-VA and 12-I-18-VA.

Scott Elder advised it was the Fort Sanders Hospital, proposing a fly-over connector to connect three different properties.

Applicant Rusty Baksa was present and advised the connector would be used to move materials from one property to the next.

Member Daniel Odle made a motion to approve as submitted but limited only to the aerial structure itself and no adjacent buildings. It was seconded by Member Charlie Van Beke. The Board voted 4-0 to **APPROVE**.

**File:** 12-H-18-VA **Parcel ID:** 094NN01701  
**Applicant:** Land Development Solutions 1<sup>st</sup> Council District  
**Address:** 1904 Highland Ave.  
**Zoning:** O-1 (Office, Medical and Related Services) District

**Variance Request:**

- 1) Reduce the minimum required front yard setback on Laurel Avenue from 25 ft. to 0 ft. (Article 4, Section 2.2.1.D.1)
- 2) Reduce the minimum required front yard setback on 19<sup>th</sup> Street from 25 ft. to 0 ft. (Article 4, Section 2.2.1.D.1)

As per plan submitted to construct an overhead connector between the Laurel Plaza Building and the Center for Advance Medicine in the O-1 (Office, Medical and Related Services) District.

Member Daniel Odle made a motion to approve as submitted but limited only to the aerial structure itself and no adjacent buildings. It was seconded by Member Charlie Van Beke. The Board voted 4-0 to **APPROVE**.

**File:** 12-I-18-VA **Parcel ID:** 094NK01901  
**Applicant:** Land Development Solutions 1<sup>st</sup> Council District  
**Address:** 1901 Clinch Ave.  
**Zoning:** O-1 (Office, Medical and Related Services) District

**Variance Request:**

- 1) Reduce the minimum required interior West side yard setback from 15 ft. to 0 ft. (Article 4, Section 2.2.1.D.2)

As per plan submitted to construct an overhead connector between the Laurel Plaza Building and the Center for Advance Medicine in the O-1 (Office, Medical and Related Services) District.

Member Daniel Odle made a motion to approve as submitted but limited only to the aerial structure itself and no adjacent buildings. It was seconded by Member Charlie Van Beke. The Board voted 4-0 to **APPROVE**.

**File:** 12-J-18-VA  
**Applicant:** Pat Boles  
**Address:** 8014 Kingston Pike  
**Zoning:** C-4 (Highway and Arterial Commercial) District

**Parcel ID:** 120JA00601  
2<sup>nd</sup> Council District

**Variance Request:**

1) Reduce the required front setback for a ground sign from 10' to 0' (Article 8, Section 7.1.a)

As per plan submitted to reconstruct a damaged sign in the C-4 (Highway and Arterial Commercial) District.

Scott Elder advised this was for a sign that was hit by a vehicle and was currently still standing in a leaning position with a damaged foundation. It would require a new foundation and sign replacement. The sign was legally permitted in the current spot.

Member David Dupree made a motion to approve. Member Charlie Van Beke made a note that the approval of the request should be made with the understanding that the approval would not establish a precedent for future approvals and would only be for the specific circumstances caused by a separate third party and not the owner. Member David Dupree edited his motion to approve limited to this property in this instance. It was seconded by Member Charlie Van Beke. The Board voted 4-0 to **APPROVE**.

**ADJOURNMENT**

The meeting adjourned at 4:44p.m.

**OTHER BUSINESS**

The next BZA meeting is on January 17, 2019.

